

REMARKS

The present Amendment amends claims 5-23, 25, 26, 29, 31-46 and 52-54, leaves claims 24, 27, 28 and 30 unchanged, adds new claims 61-91 and cancels claims 1-4, 47-51 and 55-60. Therefore, the present application has pending claims 5-46, 52-54 and 61-91.

In paragraph 2 of the Office Action, the Examiner objected to Figs. 1-9 as not being designed by the legend "Prior Art". Filed on even date herewith are Proposed Drawing Corrections adding the legend "Prior Art" to Figs. 1-9. Therefore, this objection is overcome and should be withdrawn.

The title of the invention stands objected to as not being descriptive. The title of the invention was changed to "METHOD AND APPARATUS FOR ENHANCING A DIGITAL IMAGE BY APPLYING AN INVERSE HISTOGRAM-BASED PIXEL MAPPING FUNCTION TO PIXELS OF THE DIGITAL IMAGE" which Applicants submit is descriptive of the present invention. Therefore, this objection is overcome and should be withdrawn.

The Abstract of the disclosure stands objected to due to informalities noted by the Examiner in paragraph 4 of the Office Action. Amendments were made to the Abstract to correct the informalities noted by the Examiner and to bring it into conformity with the requirements of MPEP §608.01(b). Therefore, this objection is overcome and should be withdrawn.

In paragraph 5 of the Office Action the Examiner alleges that the "lengthy specification has not be checked to the extent necessary to determine the presence of all possible minor errors". The originally filed specification has been reviewed and

the present Amendment corrects minor errors grammatical and editorial in nature discovered upon review. Entry of these amendments is respectfully requested.

The Examiner is respectfully requested to identify any other errors the Examiner may be aware of so that such errors can be immediately corrected.

Claims 13, 17, 25, 26, 40, 44 and 52 stand objected to under 37 CFR §1.75(d)(1) as allegedly failing to conform to the invention as set forth in the remainder of the specification. Particularly, the Examiner alleges that these claims use the expression "inverse mapping function" which appear to be inconsistent with the rest of the specification which uses the phrase "inverse histogram-based pixel mapping function". Amendments were made to each of these claims and any other claims so as to use the phrase "inverse histogram-based pixel mapping function" as set forth in the specification. Therefore, the 37 CFR §1.75(d)(1) objection to the claims is overcome and should be withdrawn.

Claims 34, 35 and 45 stand rejected under 35 USC §112, first paragraph being that the Examiner alleges that the specification does not reasonably provide enablement for an image processing means for enhancing a digital image as set forth in the claims. Particularly, the Examiner alleges that each of these claims contain a single means and that such single means would encompass every conceivable means for achieving the stated purpose while the specification does not give a exhausted listing of such means. Thus, amendments were made to the claims to change these alleged single means claims to claims having multiple elements as, for example, illustrated in the drawings. Therefore, the claims as now written are enabled, thereby satisfying the requirements of 35 USC §112, first

paragraph. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Applicants acknowledge the Examiner's indication in paragraph 39 of the Office Action that claims 5-12, 14-16, 18, 27, 28, 30-33, 36-39, 50, 51 and 53-57 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Amendments were made to each of these claims so as to place them in independent form including all the limitations of the base claims and all of the intervening claims. However, of this group claims 50, 51 and 55-57 were canceled. Therefore, claims 5-12, 14-16, 18, 27, 28, 30-33, 36-39, 53 and 54 are allowable as indicated by the Examiner.

It should be noted that others of the original claims particularly, for example, claims 13, 29 and 31-33 were amended to depend from claim 5 which as per the above is now in condition for allowance. Accordingly, claims 13, 29 and 31-33 are also now in condition for allowance.

It should be further noted that the subject matter, for example, of claim 5 apparently considered by the Examiner to be allowable over the prior art of record was inserted into others of the claims such as claims 17, 40 and 45. Also, claims 52-54 were amended to depend from claim 17 and claim 44 was amended to depend from claim 40. Thus, since claims 17, 40 and 45 were amended to recite features similar to that recited in claim 5, Applicants submit that the features of the present invention as now recited in claims 17, 40 and 45 are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Therefore, claims 17, 40 and 45 and the claims which depend therefrom

specifically claims 18-25, 41-44 and 52-54 are also allowable over the prior art of record same as claim 5.

Thus, as is quite clear from the above, the claims remaining in the application were either amended to be in independent form including all the limitations of the base claim and any intervening claims, thereby placing them in condition for allowance, or amended to include the subject matter apparently indicated by the Examiner as causing the claims to not be anticipated nor render obvious by the references of record, thereby placing them in condition for allowance.

In the Office Action, the Examiner rejected claims 1-4, 17, 19-26, 29, 34, 35, 40-44, 46 and 58-60 under 35 USC §102(b) as being anticipated by Cok (U.S. Patent No. 5,793,886); rejected claim 49 under 35 USC §102(a) as being anticipated by Applicants' alleged admitted prior art in the paragraph bridging pages 9-10 and Fig. 9 of the present application; and rejected claim 45 under 35 USC §103(a) as being unpatentable over the NEC press release (NEC Press Release 22 September 1999) in combination with Cok.

As indicated above, claims 1-4, 34, 35, 47-51 and 55-60 were canceled. Therefore, these rejections with respect to these claims are rendered moot. Further, as indicated above, amendments were made to the remaining many of these claims to either to be dependent from a claim indicated as containing allowable subject matter or amended to contain the indicated allowable subject matter. Therefore, these rejections are rendered moot. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

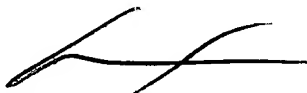
As indicated above, the present Amendment adds new claims 61-91. New claims 61-91 were drafted to either to depend from the claims containing the allowable subject matter or were drafted to include the allowable subject similar to that recited in claim 5. Therefore, new claims 61-91 are allowable over the prior art of record for the same reasons as, for example, claim 5.

In view of the foregoing amendments and remarks, Applicants submit that claims 5-46, 52-54 and 61-91 are in condition for allowance. Accordingly, early allowance of claims 5-46, 52-54 and 61-91 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (367.39427X00).

Respectfully submitted,

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